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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.698 OF 2005
IN
SUMMARY SUIT NO.2101 OF 2005

Harsha Vikram Sahjwani).. Plaintiff

Versus

Servewell Printers and others).. Defendants

Ms.Kavita S. Lalwani for the Plaintiff.

Mr.V.S. Talkute for Defendant Nos.1 to 3, 5 & 6.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 2ND MAY 2006

P.C.:

. The Plaintiff has filed the present Suit to claim the principal amount of Rs.80,000/- together with interest at the rate of 18% per annum. The Plaintiff has filed the Suit on the basis of the Demand Bill of Exchange executed by Defendant No.1 and accepted by Defendant No.2 in the sum of Rs.1,20,000/-. Part payment against the Demand Bill of Exchange was made by the Defendants on various occasions aggregating to Rs.40,000/-. According to the Plaintiff, when the Demand Bill of Exchange was presented on 1st December 2003, the same has been dishonoured by the Defendants. The Defendants have failed to pay the amount. The Plaintiff is, therefore, seeking a decree.

2. No reply has been filed to the Summons for Judgment by the Defendant Nos.1 to 3 and 5 and 6 who are represented in Court. However, there is no appearance on behalf of Defendant No.4. Affidavit of service is filed on record. In my view, therefore, decree must follow.

3. The Plaintiff has produced the original documents on record.

4. Decree as prayed for granted.

5. An amount of Rs.84,400/- was deposited by the Defendants on 20th April 2005 in this Court pursuant to the directions of this Court in Company Petition No.683 of 2004 dated 8th April 2005.

6. The amount deposited by the Defendants be handed over to the Plaintiff and credit for the same shall be given while executing the decree.